

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 2765 - SB 2701**

February 9, 2010

**SUMMARY OF BILL:** Creates the Second Look Commission to review an appropriate sampling of cases involving a second or subsequent incident of severe child abuse to determine whether severe child abuse cases are handled in a manner that provides adequate protection to the children of this state. The Commission is administratively attached to the Administrative Office of the Courts (AOC). Requires the Commission to meet at least quarterly with the first meeting being no later than November 1, 2010. Written minutes shall be kept of all meetings. Requires the Department of Children's Services (DCS) to provide the Commission with a table detailing profiled cases from the previous five years by October 1, 2010, and thereafter annually beginning February 1, 2012. The table shall include, but not be limited to, the county, type of abuse, age of the child, nature of the perpetrator's prosecution, or lack thereof. Requires the Commission to review the table and submit a list of selected cases to DCS. Requires DCS to provide a summary of the procedural history of each selected case. After review of the required summaries, the Commission shall select up to 10 percent of the total number of cases profiled for further review.

Requires the Commission to report to the General Assembly on its progress in fulfilling its duties by January 1, 2011. Requires the Commission to report on the Commission's findings and recommendations no later than January 1, 2012, and annually thereafter, to the Governor, the Senate and House of Representatives Judiciary Committees, the Senate General Welfare, Health and Human Resources Committee, the House of Representatives Children and Family Affairs Committee, and the Select Committee on Children and Youth. The Commission may hold hearings, hear testimony, conduct research, and provide reimbursement for actual expenditures to witnesses. Members of the Commission shall be reimbursed for travel expenses. The Commission sunsets on June 30, 2014, unless continued by the General Assembly.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$5,000/One-Time  
\$178,500/Recurring**

**Assumptions:**

- The AOC would require one additional staff attorney to assist the Commission. Recurring expenditures of \$83,264 reflect \$60,336 for salary and \$22,928 for benefits. One-time expenditures of \$5,000 for a computer, furniture, and related items.
- According to DCS, a total of 2,031 cases for the past five years would be impacted by this bill. The Commission will review no more than 10 percent of the total cases (203).

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Of that total, 36 cases will require hearings and testimony of witnesses each year. There will be a total of 12 investigatory two-day meetings each year as well as one annual meeting to prepare the required annual report. Each case will involve two separate incidents. AOC estimates three witnesses per incident who reside outside of Nashville will be required to testify resulting in a total of 216 witnesses (3 witnesses per incident x 36 cases x 2 incidents per case).

- Half of the 216 witnesses (108) will live an average of 200 miles outside of Nashville and will require a hotel for the two-day meetings. Reimbursement for per diem expenses for 108 witnesses will be \$10,692 (\$49.50 x 2 days x 108 witnesses); lodging will be \$12,852 (\$119 x 108 witnesses); and mileage expenses of \$19,872 (\$0.46 x 400 miles x 108 witnesses) for a total of \$43,416.
- The other half of the 216 witness (108) will live an average of 75 miles outside of Nashville and will not require a hotel for the two-day meetings. Reimbursement for mileage expenses will be \$7,452 (\$0.46 x 150 miles x 108 witnesses).
- Total recurring expenditures for witnesses will be \$50,868 (\$43,416 + \$7,452).
- Travel expenses for four legislative members of \$8,030.88 (\$154.44 mileage x 13 days x 4 members) plus per diem of \$18,500 (\$185 per diem x 25 meeting days x 4 members).
- Thirteen non-legislative members will receive mileage reimbursement of \$7,774 (\$0.46 x 100 average number of miles x 13 days x 13 members). Five of those 13 will also receive per diem and hotel expenses of \$10,110 for each two-day meetings [(\$119 hotel expenses + \$49.50 per diem) x 12 meeting days x 5 members].
- Total recurring expenditures of \$178,546.88 (\$83,264 + \$50,868 + \$8,030.88 + \$18,500 + \$7,774 + \$10,110).
- DSC currently maintains detailed records of each case. Providing the required summaries of each case as required by this bill can be handled within existing resources without an increased appropriation or reduced reversion.
- The Commissioner of Children's Services will not receive per diem or mileage reimbursement.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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